

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11119 OF 2024

Lalchandra Badriprasad Tiwari

.. Petitioner

Versus

Minister of Cooperation,
Maharashtra State and Ors.

.. Respondents

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- Mr. Kripashankar N. Pandey, Advocate i/by Rakesh Mishra for Petitioner.
- Ms. Vaishali Nimbalkar, AGP for Respondent Nos.1 and 2.
- Mr. N. N. Bhadrashete a/w. Mr. Raghavendra S. Mehrotra and Mr. Irfan A. Shaikh for Respondent No.3.
- Mr. Durgaprasad Halwai, Advocate i/by Jitesh Nishad for Respondent Nos.4 to 12.

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 17, 2025

P.C.:

1. Heard Mr. Pandey, learned Advocate for Petitioner; Ms. Nimbalkar, learned AGP for Respondent Nos.1 and 2; Mr. Bhadrashete, learned Advocate for Respondent No.3 and Mr. Halwai, learned Advocate for Respondent Nos.4 to 12.

2. The impugned order dated 20.12.2023 passed by Respondent No.1, *inter alia*, remands back hearing of Application filed by Petitioners invoking sanction for prosecution against private Respondents in the present Writ Petition. Private Respondents are members of Society whereas Petitioner is also one of the member of the Society.

3. Without giving any imprimatur on the merits of the matter, since the impugned order remands the matter back for hearing on the premise that private Respondents were not heard and it is admittedly so, no purpose will be served in this Court giving its imprimatur as a fact finding Court in the first instance.

4. In view of the above, no fault can be found with the order passed by Respondent No.1 in remanding back the Application for a fresh hearing especially in view of the fact that private Respondents were not heard before the Divisional Joint Registrar of Cooperative Societies wherein the impugned order came to be passed.

5. In that view of the matter, the order of remand passed by Respondent No.1 – Appellate Authority is correctly passed and is upheld.

6. Needless to state that in order to ameliorate the ignominy of the Petitioner, the Divisional Joint Registrar of Cooperative Societies, Mumbai Division is directed by this Court to hear Application No..12 of 2023 as expeditiously as possible and in any event within a period of four weeks from today after hearing the Petitioner and all private Respondents in the matter and pass a reasoned order thereon strictly in accordance with law within a period of two weeks thereafter.

7. Copy of this order shall be placed before the Divisional Joint Registrar of Cooperative Societies tomorrow i.e. 18.07.2025 at 11:00

a.m. to issue notice of hearing of Application No.12 of 2023 to all the parties at its convenience.

8. All the parties are represented before me. Petitioner and private Respondents shall take cognizance of this order and ensure that they shall not seek any unnecessary adjournments before the Divisional Joint Registrar of Cooperative Societies during hearing of the said Application.

9. With the above directions, Writ Petition is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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